

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

JERMAINE MORTON,

Plaintiff,

v.

CASE NO. 3:23-cv-305-MMH-MCR

SELF STORAGE ZONE,

Defendant.

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**REPORT AND RECOMMENDATION<sup>1</sup>**

**THIS CAUSE** is before the Court on the Court's May 30, 2023 Order (Doc. 4).

On March 17, 2023, Plaintiff filed his unsigned and undated Complaint and unnotarized Application to Proceed in District Court Without Prepaying Fees or Costs ("Application"). (Docs. 1 & 2.) On April 6, 2023, the undersigned entered an Order, denying without prejudice Plaintiff's Application and directing Plaintiff to file an amended complaint and a

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<sup>1</sup> "Within 14 days after being served with a copy of [this Report and Recommendation], a party may serve and file specific written objections to the proposed findings and recommendations." Fed.R.Civ.P. 72(b)(2). "A party may respond to another party's objections within 14 days after being served with a copy." *Id.* A party's failure to serve and file specific objections to the proposed findings and recommendations alters the scope of review by the District Judge and the United States Court of Appeals for the Eleventh Circuit, including waiver of the right to challenge anything to which no specific objection was made. *See* Fed.R.Civ.P. 72(b)(3); 28 U.S.C. § 636(b)(1)(B); 11th Cir. R. 3-1.

complete, notarized application or pay the filing fee on or before April 28, 2023. (Doc. 3.) Plaintiff was warned that: “Failure to comply with [the] Order may result in a recommendation to the District Judge that this action be dismissed without further notice for lack of subject matter jurisdiction, failure to state a claim on which relief may be granted, frivolity, and/or lack of prosecution.” (*Id.* at 9 (emphasis omitted).) The Court’s April 6, 2023 Order was mailed to Plaintiff on or before April 7, 2023.

When Plaintiff failed to comply with the Court’s April 6, 2023 Order, on May 30, 2023, the undersigned entered an Order, directing Plaintiff to show cause in writing, on or before June 15, 2023, why this action should not be dismissed without prejudice for failure to comply with the Court’s Order, failure to state a claim on which relief may be granted, frivolity, lack of subject matter jurisdiction, and/or want of prosecution under Local Rule 3.10. (Doc. 4.) Plaintiff was warned that: “Failure to respond to [the] Order by the deadline may result in the dismissal of this action without further notice.” (*Id.* at 2.) The Court’s May 30, 2023 Order was mailed to Plaintiff on or before May 31, 2023.

To date, Plaintiff has not complied with the Court’s Orders (Docs. 3 & 4), and has not sought an extension of time to comply. Specifically, Plaintiff has not responded to the Court’s Orders, has not filed an amended complaint and an amended application, and has not paid the filing fee. Based on the

foregoing, the undersigned recommends that this case be dismissed for lack of prosecution. *See* M.D. Fla. R. 3.10.

Accordingly, it is **RECOMMENDED** that this case be **DISMISSED without prejudice** and the Clerk of Court be directed to terminate any pending motions and close the file.

**DONE AND ENTERED** at Jacksonville, Florida, on June 23, 2023.

  
MONTE C. RICHARDSON  
UNITED STATES MAGISTRATE JUDGE

Copies to:

The Hon. Marcia Morales Howard  
United States District Judge

*Pro Se* Party